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GREENBERG TRAURIG, LLP
885 Third Avenue
New York, NY 10022

AUG 24 2004

In re Application of: :
Nicholas L. Disalvo et al. :
Serial No.: 10/827,093 :
Filed: April 19, 2004 :
Attorney Docket No.: 1415CIP3CON3 :
DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed on April 19, 2004 under 37 C.F.R. § 1.102(d) requesting that the above identified application be granted special status and examined out of turn on the ground of actual infringement as set forth in MPEP § 708.02 II.

The petition is GRANTED.

MPEP § 708.02 II requires, besides a petition, petition fee and a copy of each of the references deemed most closely related to the subject matter encompassed by the claims, a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

- (A) That there is an infringing device or product actually on the market or method in use;
- (B) That a rigid comparison of the alleged infringing device, product or method with the claims of the application has been made, and that in his or her opinion, some of the claims are unquestionably infringed; and
- (C) That he or she has made or caused to be made a careful and thorough search of the prior art or has good knowledge of the pertinent prior art.

The petition filed April 19, 2004 with the incorporated declaration has been considered and found to comply with all the requirements set forth in MPEP § 708.02 II.

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